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SENSITIVE

July 22, 2004

Lawrence H. Norton
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Dear Mr. Norton:

Re: Addendum to MUR 5414, Complaint Against the Commission on Presidential Debates

Pursuant to the Federal Election Campaign Act of 1971, as amended, and upon information and belief, Open Debates filed a complaint on February 19, 2004, outlining violations of the Federal Election Campaign Act and Federal Election Commission regulations regarding the staging of presidential debates by the Commission on Presidential Debates (CPD). The original complaint alleged that the CPD has violated and continues to violate the Federal Election Campaign Act of 1971, 2 U.S.C. § 441b(a), because its staging of general election presidential debates does not fall within the "safe harbor" provision of 2 U.S.C. § 431b(9)(B)(ii). Open Debates requested that the Federal Election Commission prohibit the CPD from staging future candidate debates that are partially financed by corporate contributions.

Three additional sources of information have been discovered since the complaint was filed that bolster its claims:

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1. Major Party Fundraising: With respect to the nature of acceptable staging organizations, 11 C.F.R §110.13(a) provides:

“Nonprofit organizations described in 26 U.S.C. 501 (c)(3) or (c)(4) and which do not endorse, support, or oppose political candidates or political parties may stage candidate debates in accordance with this section and 11 CFR 114.4(f).”

The CPD selected Arizona State University to serve as the site of a general election presidential debate to be held on October 13, 2004. As a condition of serving as a presidential debate site, Arizona State University had to pay the CPD a \$750,000 fee, in addition to covering other production costs. Arizona State University had to raise a total of \$3.15 million -- \$750,000 for the CPD, and \$2.4 million to cover production costs.¹

Arizona State University had difficulties raising all the funds, and it sought support from the state Republican and Democratic parties. Neil Guiliano, Arizona State University's community relations director, called on the state Republican and Democratic parties to contribute to the university for the purpose of hosting the presidential debate.² According to the *East Valley Tribune*, although the chairman of the state Republican Party stated that his party could not make any significant donations, the state Democratic Party threw their “full support” behind the debate and “pledged to help the university.”³ Sara Rosen, communications director for the Democratic Party was quoted in the *East Valley Tribune* as stating, “The Democrats are committed to working with the Republican Party as we all agreed.”⁴

Fundraising efforts by political parties to pay for presidential debates hosted by the CPD – including a \$750,000 fee award to the CPD – violate FEC regulations. Such activity demonstrates that the CPD does in fact “support, or oppose political candidate or political parties” as prohibited by 11 C.F.R §110.13(a). As the original complaint demonstrated, the CPD – a creation of the national Republican and Democratic parties – executes secretly negotiated agreements between representatives of the Republican and Democratic nominees for the presidency. It is certainly not surprising, therefore, that state Republican and Democratic parties have raised money to support the CPD.

2. IRS Warnings: With respect to candidate selection criteria, 11 C.F.R §110.13(c) provides:

“For all debates, staging organization(s) must use pre-established objective criteria to determine which candidates may participate in a debate. For general election debates, staging organization(s) shall not use

¹ Mark Flatten, “Stations Protest Fees for Debate,” *East Valley Tribune*, July 10, 2004

² Dennis Welch Tribune, “Presidential Debate Taxes ASU Resources,” *East Valley Tribune*, April 21, 2004.

³ Id.

⁴ Id.

nomination by a particular political party as the role objective criterion to determine whether to include a candidate in a debate.”

Communications between the CPD and the Internal Revenue Service (IRS) from 1988 demonstrate that the IRS did not find the candidate selection criteria employed by the CPD to be “pre-established objective.” On March 15, 1988, the CPD requested a ruling from the IRS as to whether its candidate selection criteria would adversely affect its exempt status under section 501(c)(3) of the Internal Revenue Code. Due to the subjectivity and imprecision of the proposed candidate selection criteria, the IRS was unable to issue an advance ruling. The IRS stated:

“Your eligibility criteria proposal sets forth a very imprecise facts and circumstances test applicable to a factual context that cannot be determined in advance. Because of the inherently factual nature of this matter, we cannot issue an advance ruling on whether your candidate eligibility standards will adversely affect your exempt status under section 501(c)(3) of the Code.”⁵ (Please see Appendix B)

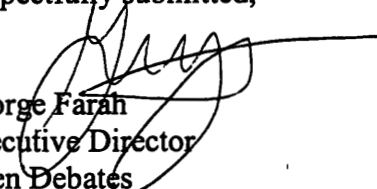
The CPD employed the candidate selection criteria in question for the 1988, 1992, and 1996 general election presidential debates. In doing so, the CPD violated provision 11 C.F.R §110.13(c) requiring “pre-established objective criteria.”

3. Newspaper Editorials: Since the filing of that complaint, major newspapers have editorialized in opposition to the deceptive CPD, and in support of a replacement debate sponsor, the new and genuinely nonpartisan Citizens’ Debate Commission. These editorials support the allegations of the original complaint – that the CPD does “endorse, support, or oppose political candidates or political parties” in violation of 11 C.F.R. §110.13, does not use pre-established objective criteria as required by 11 C.F.R. §110.13 to determine which candidates may participate in a debate, and employs criteria that were “designed to result in the selection of certain pre-chosen participants” in violation of 11 C.F.R. §110.13.

Many of the newspaper editorials are included in Appendix C of this addendum to the original complaint. A list of the members of the Citizens’ Debate Commission, a list of the civic groups serving on the Advisory Board of the Citizens’ Debate Commission, and the proposal to host future presidential debates drafted by the Citizens’ Debate Commission are also included in Appendix C.

⁵ Internal Revenue Service, Letter to Commission on Presidential Debates, July 11, 1988.

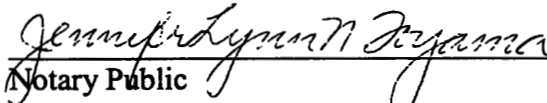
Respectfully submitted,


George Farah
Executive Director
Open Debates

Attachments

District of)
Columbia)
)

SWORN TO AND SUBSCRIBED before me on this 12th day of July, 2004.


Notary Public

My Commission Expires: 09/22/2007

JENNIFER LYNN N. TOYAMA
Notary Public, State Of New York
No. 01TO6098756
Qualified In New York County
Commission Expires 09/22/2007

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25.04.409.4570

APPENDIX A

East Valley Tribune

Date: Wednesday, April 21, 2004

Presidential debate taxes ASU resources \$800,000 of projected \$3M cost raised so far

By DENNIS WELCH TRIBUNE

Arizona State University is scheduled to host a major presidential debate in six months.

But it has raised only \$800,000 of the \$3 million needed to do so

University administrators, who have now stepped up their quest for contributions, say they're not worried.

"If this city and state can raise 5 (million) to 6 million dollars to host a Super Bowl, then I'm sure we have the resources to host an historical event like a presidential debate," said Neil Giuliano, ASU community relations director and mayor of Tempe.

The clash between President Bush and expected Democratic nominee John Kerry is the third and final one before the Nov 2 election. It will be broadcast Oct 13 from ASU's Grady Gammage Memorial Auditorium.

Originally, university officials estimated that it would cost about \$1.5 million to host the debate. But Giuliano said the rising costs of security, telecommunications and other necessities have pushed costs to nearly \$3 million.

And in a presidential election year, Giuliano said, donors are squeezed for every penny.

He went on to call for the state Republican and Democrat parties to step up their efforts. But the two major political parties differ regarding their financial commitment to the debate, which is organized by the bipartisan Commission on Presidential Debates.

Michael Hellon, chairman of the Arizona Republican State Committee, said his party could not offer any significant donations.

He said that the party was directing most of its money to the president's re-election campaign as well as local races and the get-out-the-vote efforts.

Hellon added that new campaign finance laws have restricted how the party can raise and spend money.

"As interesting as the debates are, we have several other priorities for our limited funds," he said.

However, state Democrats have thrown their full support behind the debate and pledged to help the university.

"The Democrats are committed to working with the Republican Party as we all agreed to," said Sarah Rosen, communications director for the Democratic Party.

Rosen said she did not know of any new campaign finance laws that restricted political parties from raising or spending money to finance a debate.

Virgil Renzulli, vice president of public affairs at ASU, said the university is aggressively trying to identify new political contributors.

He said that the university recently received a large financial commitment from a corporation that would equal about one-sixth of the total costs. Renzulli said he will not name the corporation or the amount of money it pledged until the deal is finalized later this week.

Besides identifying new revenue sources, Renzulli said the university would also ask previous donors to contribute.

25-04-409-4572

APPENDIX B

25-04-409-4573

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

Commission on Presidential
Debates
1825 I Street, N.W.
Suite 400
Washington, D.C. 20006

Person to Contact:

Harold Toppall
Telephone Number:

(202) 566-4754

Refer Reply to:

E:EO:R:2-4

Date: JUL 11 1988

Dear Sir or Madam:

This is in response to your letter of March 15, 1988, supplemented by information in your letter of June 8 and June 14, 1988, and by the conference held in the National Office on June 7, 1988.

You have requested a ruling as to whether your candidate eligibility standards for your presidential debates will adversely affect your exempt status under section 501(c)(3) of the Internal Revenue Code. This request is pursuant to the provision in our determination letter recognizing your organization as exempt, dated August 11, 1987, requiring that before any funds were spent on actual debates, your organization would develop objective and nonpartisan eligibility standards for candidate participation, would submit the standards to our office in a ruling request, and would receive a favorable ruling on those standards.

You propose certain affirmative criteria for determining eligibility. Your proposal states that the chance to defeat both major party candidates must be more than merely "theoretical," such as when Strom Thurmond and Henry Wallace each split from the Democratic party in 1948.

Your proposal suggests the following criteria:

1. Evidence of national organization.

a. being listed on the ballot in enough states to have a mathematical chance of obtaining electoral college majority.

b. being organized in a majority of congressional districts in those states.

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Commission on Presidential Debates

c. declaring a third party candidacy before the major party conventions, party primaries or state conventions, and becoming eligible for matching funds from the FEC.

d. declaring an independent candidacy after a major party convention, by splitting off from the party and securing a share of national delegates, pledges of financial support, eligibility for Federal funding, and endorsements by Federal and state officeholders.

2. Signs of national newsworthiness and competitiveness.

a. the professional opinions of the Washington bureau chiefs of major newspapers, news magazines, and broadcast networks.

b. the opinions of a comparable group of professional campaign managers and pollsters not currently employed by the two major candidates.

c. the opinions of representative political scientists specializing in electoral politics at major universities and research centers around the country.

d. column inches on newspaper front pages and seconds on network telecasts in comparison with the major party candidates.

e. published views of David Broder of the Washington Post, William Schneider of the American Enterprise Institute, and other comparable commentators.

3. Signs of national enthusiasm or concern.

a. the findings of Gallup and other opinion polls conducted by national news organizations (depending on the relevance of questions asked).

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Commission on Presidential Debates

b. reported attendance at meetings and rallies across the country (locations as well as numbers) in comparison with the two major candidates.

Your proposal states that it may also use other criteria in making decisions concerning eligibility to participate in the debates.

Section 501(c)(3) of the Code provides in part that an organization organized and operated exclusively for educational purposes, among other things, which does not participate in or intervene in any political campaign on behalf of any candidate for public office, is exempt from federal income taxation.

Section 1.501(c)(3)-1(c)(3)(iii) of the Income Tax Regulations provides that an organization is an "action" organization if it participates or intervenes, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office.

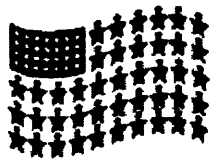
Revenue Ruling 86-95, 1986-2 C.B. 73, provides that the conduct of certain public forums involving qualified congressional candidates by an organization recognized as exempt from federal tax under section 501(c)(3) of the Code does not constitute participation or intervention in any political campaign within the meaning of section 501(c)(3).

Revenue Ruling 83-36, 1983-1 C.B. 766, Section 6.01 provides that there are certain areas where, because of the inherently factual nature of the problem involved, the Service will not issue rulings or determination letters.

Your eligibility criteria proposal sets forth a very imprecise facts and circumstances test applicable to a factual context that cannot be determined in advance. Because of the inherently factual nature of this matter, we cannot issue an advance ruling on whether your candidate eligibility standards will adversely affect your exempt status under section 501(c)(3) of the Code. However, we are releasing you from the condition imposed in our determination letter of August 11, 1987, relating to the use of funds in your debates without first receiving a favorable ruling from the Internal Revenue Service.

APPENDIX C

25-04-409-457



The Citizens' Debate Commission

Members of the Citizens' Debate Commission

John B. Anderson

Former U.S. Congressman, former presidential candidate, and current Chair of the Center for Voting and Democracy

Angela "Bay" Buchanan

President of the The American Cause and former U.S. Treasurer

Veronica De La Garza

Executive Director of the Youth Vote Coalition

Norman Dean

Executive Director of Friends of the Earth and Chair of CERES

George Farah

Executive Director of Open Debates and author of the forthcoming book *No Debate*

Tom Fitton

President of Judicial Watch

Tom Gerety

Executive Director and Brennan Center Professor of the Brennan Center for Justice at NYU School of Law, and former President of Amherst College

Jehmu Green

Executive Director of Rock the Vote

Alan Keyes

Former GOP presidential candidate, former Ambassador to the United Nations, and Chairman of the Declaration Foundation

Jeff Milchen

Founder and Executive Director of ReclaimDemocracy.org

Larry Noble

Executive Director of the Center for Responsive Politics and former General Counsel of the Federal Election Commission

Tony Perkins

President of the Family Research Council and former Louisiana State Representative

Chellie Pingree

President and CEO of Common Cause and former Maine Senate Majority Leader

Randall Robinson

Founder of TransAfrica Forum

Dan Stein

Executive Director of the Federation for American Immigration Reform

Mark Weisbrot

Co-Director of the Center for Economic and Policy Research

Paul Weyrich

Chair and CEO of the Free Congress Foundation and founding president of the Heritage Foundation

<http://www.latimes.com/news/opinion/la-ed-debate12jun12,1,1861531.story>

EDITORIAL

Take the Gloves Off

June 12, 2004

Raise your hand if you stayed awake through all three presidential debates between George W. Bush and Al Gore in 2000.

Right. With pre-selected questions, deferential moderators and minimal follow-up queries, televised presidential debates in recent years have devolved into yawners that turn off more voters than they enlighten. No surprise that the audience for these glorified photo ops has plummeted; 25 million fewer Americans saw the 2000 debates than the 1992 face-off. That drop in viewership is reflected in basement-level voter turnout.

The problem is that the Commission on Presidential Debates, the nonprofit corporation that has sponsored the debates since 1988, runs this contest largely in the interests of the two major parties, not the voters. Commission members — the big-name representatives for the Democratic and Republican standard-bearers — agree to exclude third-party candidates, even those like Ralph Nader and Pat Buchanan who draw significant voter support in the polls. Moreover, by negotiating every detail in advance — including the shape of the podiums, the space that candidates must keep between themselves and, of course, the nature of the questioning — they ensure that the meetings yield mostly chewed-over sound bites.

The upstart Citizens Debate Commission believes this year's debates could be more illuminating. The recently formed bipartisan group includes heavyweights like Heritage Foundation founding President Paul Weyrich, Jehmu Greene of Rock the Vote, and TransAfrica Forum founder Randall Robinson, along with a growing roster of organizational backers. They want a more spontaneous format and a bigger crowd on stage. Follow-up questions should challenge evasive or misleading answers, and there should be some candidate-to-candidate questioning, as well as rebuttals.

Third-party candidates can raise pressing issues and energize voters. Some even have a chance of victory, or, as Nader demonstrated four years ago, they can play the spoiler. That's why the commission believes that debates should include serious alternative candidates. To avoid a circus, it would limit participation to those who qualify for enough state ballots to make an electoral college majority possible and who achieve at least 5% voter support in national polls.

Voters grown cynical after a ceaseless barrage of attack ads deserve to hear the candidates discuss issues face to face in a spontaneous, unscripted format. Presidential debates provided that forum once and could again. The Citizens Debate Commission plans to host five 90-minute debates across the nation this fall at small colleges. If one of the major candidates signs on, the other will face substantial pressure to join him. Sen. Kerry? President Bush?

St. Paul Pioneer Press

Return to old-style presidential debates

Friday, June 25, 2004

Editorial

Few folks realize that the U.S. presidential debates have been quietly taken over by the two dominant political parties and retooled in secret to give the major parties advantage, to exclude third-party candidates and to limit actual debate.

Perhaps we've all been put to sleep by the debate snooze-fests orchestrated by the Democratic and Republican national parties the last three presidential election cycles. Time to stop snoring and take the debates back. Give them meaning again. Dare we say make them unpredictable and interesting again?

Open Debates, a nonprofit group of Republicans, Democrats and independents, has a good idea for doing just that. The group has formed the nonpartisan Citizens' Debate Commission, which issued a challenge to the Bush and Kerry campaigns last month: Participate in six debates across the nation this fall, including one at Carleton College in Northfield on Oct. 11.

We strongly urge the campaigns to do so.

Until 1988, presidential debates were organized by the respected League of Women Voters. But the GOP and Democratic Party seized control after that and have colluded since to limit third-party participation.

The parties control the debates through a shell organization called the Commission on Presidential Debates, chaired by the former heads of the Democratic and Republican national parties. Debate locations, timing, moderators and formats are decided by the commission in collaboration with the Republican and Democratic presidential campaigns behind closed doors.

The result is a series of scripted affairs at which the candidates rarely engage in anything close to a debate. They are like competing press conferences on the same stage.

Presidential debates are often the one chance most Americans have to see the candidates in extended action before the election, outside of 15-second sound bites, and can have an effect on the vote. Razor sharp comments can raise a candidate's standing (Ronald Reagan's zinger about Walter Mondale's "youth and inexperience" in 1984). Bone-headed answers (think of Michael Dukakis's fumbling response to the hypothetical murder of his wife) can sound the death knell.

The two parties have succeeded in one thing: They have limited their candidates' exposure. In 1980, six in 10 American households tuned in to the presidential debates. Last election, the audience had been cut in half.

So, let's scrap the pre-selected questions and the rules that limit follow-up questions. Let's allow participation by third-party candidates who meet a minimum standard of public support — say the 5 percent required to receive federal matching funds. Let's open the debates to questions from the audience. Let's allow the candidates to question each other and actually debate.

Let's make presidential debates interesting and meaningful again. The way to do that is to wrest control back from the two major parties.

TELL CAMPAIGNS HOW YOU FEEL

• **Bush-Cheney '04:** P.O. Box 10648, Arlington, VA 22210; 703-647-2700; 703-647-2993 (fax); BushCheney04@GeorgeWBush.com

• **John Kerry for President:** P.O. Box 34640, Washington, DC 20043; 202-712-3000; 202-712-3001 (fax).

SEATTLE POST-INTELLIGENCER

http://seattlepi.nwsource.com/opinion/179197_debated.html

Free the debates from party tyranny

Thursday, June 24, 2004

SEATTLE POST-INTELLIGENCER EDITORIAL BOARD

On Aug. 21, 1858, Sen. Stephen Douglas debated Abraham Lincoln, the first of seven such encounters. These most famous debates were set up to help voters decide on their vote for senator from Illinois. Douglas spoke first. He talked for an hour and a half. Then he turned to Lincoln and said: "I am told that my time is out. Mr. Lincoln will now address you for an hour and a half, and I will then occupy a half hour in replying to him."

Of course times have changed -- we now live in the era of quick sound bites and MTV-length dramas. Our presidential debates reflect that compression of time -- and worse because these "educational" events are now planned for only positive candidate exposure, essentially free television time. They are designed to limit conversation and make certain voters won't learn more.

The debate rules are even written by the two presidential campaigns. A memorandum from the 1996 contest, for example, is explicit in its candidate protection. It reads: "No follow-up questions by the moderator will be permitted."

We can do better.

Candidates John Kerry and George W. Bush should sign on to the Citizen's Debate Commission initiative. This independent group would begin five debates on college campuses on Sept. 22. The proposed rules for these debates are fair -- and are designed to foster a free and open debate.

It takes only one candidate to say yes. Then we can improve the debate over how we pick a president.

The Tennessean

Sunday, June 20, 2004

Editorial

How about real debates

Every four years, leaders of the two major political parties devise a system of debates that exposes their presidential nominees to as little risk as possible.

Every answer is precisely timed. Follow-up questions aren't allowed. The shape, the height and the position of the podiums, the debate site, the moderators and the backdrop are carefully negotiated. The candidates are tightly rehearsed so they can't stray from scripted responses. The rules are such that a third-party candidate has little chance to participate.

That's not the way it used to be and that's not the way its supposed to be. But that's the way it is because the party leaders call the shots. The result is a debate system so boring that Americans tune out. Debate viewership has dropped from 60% of households in 1980 to 30% in 2000.

This year, some politically active groups and individuals are challenging the debate system with one of their own. The Citizens' Debate Commission argues that the current debate system is a "Beltway sham," and says it will sponsor a series of fall debates. The group includes such widely diverse participants as former independent presidential candidate John B. Anderson, former Republican contenders Alan Keyes and Pat Buchanan and former Sen. Eugene McCarthy.

Where the current debate structure requires third-party candidates to have an improbably high 15% in national polls in order to participate, the Citizens' Debate Commission would lower the threshold to 5%. The commission calls for a looser structure that would allow rebuttals, follow-up questions and questions among candidates.

Don't expect the Democratic and Republican operatives to be thrilled, and don't expect their nominees to participate. The parties like the boring debate system they have created. After all, anything that wrings life out of the presidential campaign makes their scripted commercials all the more important.

But the two major parties and their candidates should know that the Citizens' Debate Commission is right. No matter how the two nominees perform during the debates, the real losers under the current system are the voters. And democracy.

The Oregonian

Repairing the presidential debates

A new public-interest organization argues that it's past time to put voters first in organizing these face-offs

Monday, June 14, 2004

A new, nonpartisan organization wants to save presidential debates in the United States. We hope it succeeds.

The debates have become so empty and dull that most Americans just ignore them. The newly formed Citizens' Debate Commission argues that the two major-party political campaigns have hijacked these useful face-to-face encounters and sometimes have an interest in making them as unenlightening as possible.

Gaffes like Gerald Ford's assertion that the Soviets didn't dominate Poland, or Michael Dukakis' oddly bureaucratic response to a question on the hypothetical murder of his wife, are less likely to occur these days. This is mainly because, as the Citizens' Debate Commission suggests, debates are little more than joint news conferences. The two major candidates are allowed to offer their views in prepackaged sound bites. Follow-up questions are impossible and every single detail — from the height of the dais to the makeup of any panel of questioners — is negotiated down to the last nit by the two campaigns — and only the two campaigns.

Just one example: In the 1996 Clinton-Dole race, Clinton's team managed to get two sessions scheduled opposite the Major League Baseball playoffs. As Clinton confidant George Stephanopolous said afterward: "We wanted the debates to be a nonevent."

They and others certainly succeeded at that over the years. In 1980, 60 percent of American households watched the debates. In 2000, it was 30 percent.

The CDC suggests that debate rules be independently arrived at by a nonpartisan entity — the League of Women Voters comes to mind — and that minor-party candidates be invited to participate if their campaigns meet some plausible viability standards.

Of course, the Commission on Presidential Debates, not the CDC, runs the system now. Its efforts are aimed at pleasing the campaigns, not the voters.

But it doesn't really matter who runs the debates as long as whoever does so is truly independent. It's clear, though, that the system needs to be changed. The interests of voters, not the candidates, parties and TV networks, should get the priority in scheduling and organizing the presidential debates. Campaigns would resist mightily, but if the choice were joining the debate or facing a backlash, they'd eventually come along, too.

Monday, June 14, 2004,

Editorial

Make presidential debates real ones

No law says presidential candidates have to debate, and for a long time they didn't. Franklin Roosevelt and Dwight Eisenhower refused, and Richard Nixon tried them only once.

But Americans and the world have witnessed presidential debates every cycle since 1976. Now that they have become an institution, the debates themselves ought to be the subject of contention.

If the debates have a feel of being staged, it is because increasingly, they are. In the 1996 debates, for example, the rules said, "TV cameras shall be locked into place [and] in no case shall any television shots be taken of any member of the audience." The rules also said, "There will be no TV cut-aways to any candidate who is not responding to a question while another candidate is answering a question."

There were rules limiting follow-up questions, so that the candidates could use the old trick of answering the question they wanted to answer rather than the one asked.

The rules are also exclusive. The 1996 rules were negotiated by the Bill Clinton and Bob Dole camps, and limited participation to Clinton and Dole. Ross Perot was excluded. In 2000, Pat Buchanan and Ralph Nader were excluded.

This year, Nader needs an average of 15 percent support in five national polls in order to be included. He is currently pegged at 7 percent by Gallup poll and 3 percent by Zogby.

Who decided the 15 percent cutoff? The Commission on Presidential Debates, which is effectively controlled by the two major parties.

There ought to be some cutoff point in voter popularity. Otherwise, George Bush and John Kerry would have to give equal network TV time to Michael Badnarik of the Libertarian Party and Walt Brown of the Socialist Party. If the debates were opened up to such candidates, there might be dozens of them.

But where to cut it off? A new group, the Citizens Debate Commission, proposes a minimum 5-percent poll standing. A more cautious choice would be 10 percent. But the 15 percent that is required now is too high.

These are tradeoffs. The problem is that choices are made that tend to make the debates appear stogy and to lock the Democratic and Republican advantage into stone. It's time to reconsider the current format and the lock on presidential debates by the two major parties.

BOOKS

The Quadrennial Sham

The Case for Truly Open Debates

BY ANTHONY MARRO

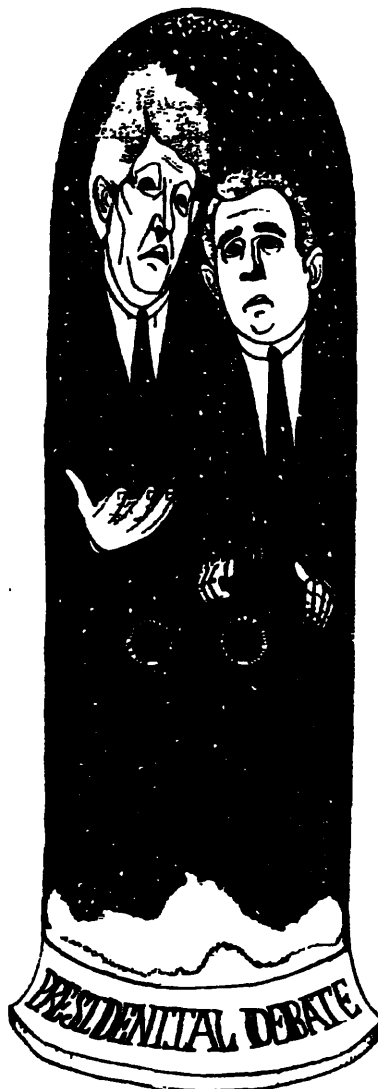
In the spring of 2001, *Newsday* began televising live daily business news reports from its newsroom. Charlie Zehren, an excellent reporter with no prior television experience, had volunteered for the job, and a small crowd gathered around to watch his first effort. He was sitting on a tall chair in the middle of the newsroom, wired for sound and looking intently into the camera.

"Christ, I'm sweating worse than Nixon," he said.

It had been forty-one years since Nixon had sweated under the klieg lights, and Zehren had been just two years old at the time. But in our national consciousness the image has remained vivid, a powerful reminder that while it's difficult to win a presidential debate in any measurable sense, the risk of losing one is very high. An untimely stammer, a slip of the tongue, a momentary lapse in judgment or beads of sweat on a forehead can do serious harm.

It happened to Gerald Ford when he said in his second debate with Jimmy Carter that there was "no Soviet domination of Eastern Europe." The Soviets had somewhere between ten and fifteen Army divisions in Poland at the time, and reporters began calling Air Force One "The Spirit of Free Poland." It happened to Dan Quayle when he suggested that he had just as much political experience at age forty-one as John Kennedy had when he was elected president, leaving himself open to the sucker punch from Lloyd Bentsen. And it happened to George H. W. Bush when he was caught on camera toward the end of a 1992 debate looking at his watch, like a commuter wondering if he still had time to catch the 10:49 from Penn Station to Great Neck.

The lesson that candidates and their



**NO DEBATE:
HOW THE REPUBLICAN AND
DEMOCRATIC PARTIES SECRETLY
CONTROL THE PRESIDENTIAL
DEBATES**

BY GEORGE FARAH
SEVEN STORIES PRESS. 223 PP. \$30

managers have learned from such stumbles is that if they can't avoid presidential campaign debates entirely — which they managed to do between 1960 and 1976, but probably can't any longer — they need to work very hard to control them. The preparations not only include briefing books the size of Volkswagens and rehearsals as intense as any on Broadway, but also negotiations over the color of the backdrop, the size of the podium, and the makeup of the audience. But mainly, they want to avoid the wild cards of aggressive questioners and third-party candidates, and of a real debate structure that might cause the candidates to veer away even momentarily from the carefully scripted sound bites of their campaigns.

The central point of George Farah's book is that since 1988 they've been aided and abetted in this by the Commission on Presidential Debates, which he considers a front for the two major parties and thus something of a fraud. His argument is that the CPD is really a bipartisan group, not a nonpartisan one, intent on preserving the two-party structure and working hard to deny third-party candidates a forum. In the process, he suggests, it has been able, in "secret" and "covert" ways, to turn control of the debates over to the major parties because the media collectively have either been asleep at the switch or quietly applauding the effort.

Farah is a student at Harvard Law School, and has produced something more like a well-crafted legal brief than a book. Unlike many legal briefs, it has the merit of being written in English. Like many legal briefs, it's somewhat redundant. He approaches the issue from many different vantage points, all of them ending with the same conclusion — that the commission has hijacked the debates from the public and turned them

over to the major parties, allowing the candidates to set most of the rules. Importantly, it has managed — with the exception of Ross Perot in 1996 — to exclude third-party candidates completely.

Farah is the executive director of an organization called Open Debates, which wants to wrest control of the debates away from the current sponsors and replace them with a new organization called the Citizens Debate Commission. The members include two people — the former third-party presidential candidate John Anderson and the conservative activist Angela “Bay” Buchanan — whose politics are such that it’s hard to imagine them agreeing on anything else. They also include Tom Gerety, the former president of Amherst; Paul Weyrich, the founding president of the Heritage Foundation; and Chellie Pingree, the head of Common Cause.

Their goal is not just to open up the debates to serious minority party candidates, but to turn them into real debates. The current format, with no direct candidate-to-candidate questioning, with limited follow-up questioning, with limited rebuttals, and with limited response times, has resulted less in real debates than in what have been described as “nationally televised joint appearances.”

Most political reporters probably would agree that the major parties control the debates, or come close to it, but would be surprised to hear that anyone thought it was a secret. That was the intent at the start and Farah makes a persuasive case that it has become the reality. But it’s probably still safer to say they come close to doing it, rather than that they control them absolutely, because there’s at least a small legal fig leaf of separation between the debate sponsors and the parties.

The Commission on Presidential Debates was created in 1987 by Frank J. Fahrenkopf Jr., then the head of the Republican National Committee, and Paul G. Kirk Jr., then the head of the Democratic National Committee, who remain the co-chairs. The stated goal was to ensure that presidential debates would continue to be a part of every general election. The unstated goal was to take control away from the League of Women Voters, which had organized and managed the debates in 1976, 1980, and 1984. The major parties had become annoyed at the league because it had pushed the

candidates into debate formats that they had resisted, had insisted on including John Anderson in a 1980 debate, and had tried to subject the candidates to questioning by reporters the candidates didn’t want asking the questions.

In the years since it took control, the commission has continued to allow the candidates to avoid direct questioning of one another. It has further limited follow-up questioning. It has insisted that a third-party candidate must have a 15 percent support rating in pre-debate polls to be included, despite the fact that a party needs only 5 percent of the vote to qualify for federal campaign financing. It also managed to exclude Ross Perot in 1996 on the ground that he was unelectable, even though he had received enough votes in 1992 to qualify for federal funding. That meant that the public was paying for his campaign but not allowed to hear him debate. And the commission has continued to let the candidates nominate and veto panelists.

Except for the 1992 “town hall” debate, in which the audience was allowed to ask questions, Jim Lehrer of the PBS *NewsHour* has moderated every debate during the last three elections. Farah notes Lehrer’s great competence and essential fairness, but also suggests that he’s the sort of moderator both parties trust to stay within the parameters they’re comfortable with. Then he quotes Pat Cadell, the pollster, as saying in 2000 that Lehrer was running the debates “as though they were some kind of sherry hour at the Institute for Politics at Harvard.” And he quotes John Kerry as saying of those same debates, “You could have picked ten people off the street who didn’t know Jerusalem from Georgia and they would have had better questions.”

Part of the reason Farah’s work reads like a legal brief is that legal issues are involved. Because the commission is a nonprofit and tax-exempt organization, the corporate contributions that fund the debates are tax-deductible. But IRS rules allow the deductions only for “nonpartisan” voter education. Farah argues that because the commission is actually “bipartisan” and thus biased against third-party candidates, the contributions shouldn’t be deductible. So far, the IRS hasn’t agreed.

Also, the Federal Election Commission prohibits corporations from contributing to debate sponsors unless the sponsors use pre-established objective

criteria to select the participants. Farah argues that because most of the criteria are subjective, the contributions violate FEC rules. So far, the FEC and the courts haven’t agreed.

The role of the CPD is an important story even if it isn’t a crime, and while Farah’s own footnotes suggest it has been given a fair amount of coverage, it’s probably neither as widely known nor as fully understood as it should be. Farah’s criticism of the media is more implied than direct, as when he writes that most voters “don’t know why debate discourse has eroded, or why many intriguing candidates are excluded, or why Jim Lehrer moderates all the debates, or why participating candidates can’t ask each other direct questions.” But clearly he feels more voters would know if reporters worked harder to tell them.

His larger complaint — and a reason why he argues that it’s important to open the debates to other candidates — is that the mainstream media usually don’t cover them much at all. He’s right about this, but wrong about why. He says it’s because the major newspapers and networks are owned either by “political family dynasties ideologically committed to the major parties,” or by giant corporations that don’t want to give serious coverage to third-party candidates who are “vociferous critics of the corporate agenda.”

The real reasons are less conspiratorial. They tend to be the result of tight budgets and attempts at parity. Covering a presidential campaign has become very costly, and editors are reluctant to spend money covering the campaigns of people who don’t have a chance of becoming president. At days’ end, the story they’re covering is about who’s going to be the president, and only one of two people — either the Democratic or the Republican candidate — is going to be. Most news organizations try to achieve balance and parity in the amount of coverage given the major party candidates. To give equal coverage to a minor party candidate could send the questionable message that the newspaper or network believes he or she has an equal chance of election.

Sometimes third-party candidates get coverage because they’re forcing issues that otherwise wouldn’t be addressed. And sometimes they’re covered because they have something unique and important to say. But generally they tend to be covered to the degree they’re thought to

be able to affect the outcome. That means that the more serious a threat they are to the major party candidates the more coverage they're likely to get. Ross Perot was given serious and substantial coverage in both of his campaigns. The Libertarian Party candidates, who have not been seen as able to affect the outcome of recent elections, have been given very little coverage or none at all. In 2000, Ralph Nader was treated somewhere in between. He didn't get the coverage he felt he should have. But neither did he get the intense scrutiny that the media gave George W. Bush and Al Gore, although that's probably another issue for another time.

Farah has produced a useful book, well researched and clearly written. His complaints about the evil influence of corporate America on both the debates and the media are sometimes too vague and too sweeping, but his reporting on the collusion between the commission and the major party campaigns is detailed and persuasive.

It's persuasive enough that it could encourage reporters to examine the process, in order to foster a greater public debate about the debates. In the past, there's been much editorializing about the value of opening the debates to minor party candidates. But the public would also benefit from more reporting on the controls the candidates have over the process. And it might help things if reporters themselves would simply refuse to take part in the debate panels so long as the candidates have a role in picking the questioners. "I just feel very uncomfortable with the candidates selecting the reporters," said Tim Russert of NBC. He has good reason to be, and so do we all.

As for Farah's solution, the Citizens Debate Commission, some of the proposals are worthy ones. It would invite minor party candidates to debate so long as they were on enough state ballots to win an Electoral College majority and also registered respectably in national polls. It would allow follow-up questions and rebuttals. It would demand candi-

date-to-candidate questioning. It would limit the ability of candidates to veto moderators and panelists. It might not make the events more exciting than the baseball playoffs, but it might make them less like "nationally televised joint appearances" and more like real debates.

That means it's not likely to happen anytime soon. If Farah's group somehow managed to displace the Commission on Presidential Debates as the sponsor, through legal challenges or some other means, it's likely that the major party candidates would simply get together and rent a hall in Toledo and stage the debates on their own. They'd have to pay for it themselves, without corporate contributions, and they'd have to handle all the logistics. But the press would undoubtedly cover it. And the parties would keep control of the process, their main concern. The alternative would have them sweating worse than Nixon. ■

Anthony Marro is a former editor of Newsday.

THEATER

Showtime In Iraq

The Robbins Follies of 2004

BY GLORIA COOPER

Least there be any doubt about the intentions of *Embedded*, the new play that opened at Manhattan's Public Theater in March, the playbill gives plenty of clues. Here is CNN's Christiane Amanpour on the press's "self-muzzling" in Iraq. Here is the London *Independent's* Robert Fisk on the new requirement that all reports in-

Iraq "would not have happened." Recommended readings range from *The Nation* and *The Progressive* to *The Guardian*, MoveOn, and other such likeminded outlets. Top political leaders are also represented ("If we have to, we just mow the whole place down, see what happens" — Trent Lott). Most prominently displayed of all are the views of Leo Strauss (1899-1973), "the celebrated philosopher-king of the neo-conservatives," who believed, the playbill explains, "that democracy, however flawed, was best defended by an ignorant public, pumped up on nationalism and religion; [that] such nationalism requires an external threat — and if one cannot be found, it must be manufactured." With the stage, as it were, thus set, the play begins.

Written and directed by Tim Robbins, *Embedded*, which bills itself as a satire, presents in ninety uninterrupted min-

utes a series of black-outs enacted against a backdrop of streaming war-news video, punctuated by intermittent bursts of strobe lights and the booming beat of rock. The sketches move alternately between three groups of characters, inextricably linked.

The first, a masked chorus of six grotesques named Dick, Rum Rum, Woof, Cove, Pearly White, and Gondola, gathers in the Office of Special Plans to serve the great god Leo, whose likeness hovers above. Early on, after a eureka moment in which the conspirators have finally manufactured to their full satisfaction a justification for war — and, in consultation with their personal calendars, a convenient date for it to start — the meeting erupts into an orgiastic celebra-



EMBEDDED

A PLAY WRITTEN AND DIRECTED

BY TIM ROBBINS

PRODUCED BY THE ACTORS' GANG

tended for CNN's air be submitted to an "authorized manager" for approval. Here is *The New York Times's* Thomas Friedman on the "25 people" without whom — "if you had exiled them to a desert island a year and a half ago" — the war in

EFFORTS BUILDING TO TAKE BACK THE PRESIDENTIAL DEBATES

Editorial

Monday, July 5, 2004

There was a time, though it was so long ago that we can barely remember it, when political leaders and candidates were subjected to good, hard questions. But in recent years, the parties have been so successful at squeezing any and all spontaneity out of the political process, at limiting its ebb and flow, it is taken for granted that political debates are more about style than substance.

What we need to be reminded as we anticipate another likely sampling or two of the non-debate debate, as offered by George Bush and John Kerry, is that things don't have to be this way. They weren't back when the League of Women Voters controlled the presidential debates from 1976 to 1984, and they won't be if efforts to take back the debates from the Republican and Democratic parties are successful. Through a private corporation called the Commission on Presidential Debates, the parties have been able to determine in secret negotiations everything from what questions get asked and who does the asking to what TV cameras are allowed to show and how to configure the seating of the audience. The commission also has a stake in excluding third-party and independent candidates.

If, as a voter who takes his role in electing the most important person in the land seriously, you were offended by the deadly theater staged four years ago by Bush and Al Gore, you're not alone. Former President George H.W. Bush described the debates as "too much show business and too much prompting, too much artificiality." And an independent organization called the Citizens Debate Commission is going all out to restore transparent presidential debates by wresting control from the party-dominated organization. Boasting members from all sides of the ideological spectrum, including former third-party presidential candidate John Anderson, Heritage Foundation founder Paul Weyrich and Common Cause head Chellie Pingree, the group also is calling for the debates to be widened to include third-party candidates. One need only recall the controversial exclusion of Ross Perot from the 1996 debates, even with his popular showing and millions in matching federal funds, to recognize the need for this reform.

Americans are entitled to know as much about the candidates as they can. That includes their ability to think on their feet and under pressure. At the very least, they deserve to be engaged by an exchange of ideas rather than lulled into a stupor. True, some candidates are less-natural performers than others, but there are ways to make up for that deficiency with persuasiveness. You can bet that just as a strong convention speech gives a candidate a "bounce" in the polls, a strong performance in the debates would, as well. It would also help boost voter participation and, following the troubles and controversies of the 2000 election, voter confidence.

Sun-Sentinel (Fort Lauderdale, FL)

May 7, 2004 Friday Broward Metro Edition

EDITORIAL; Pg. 20A

ACT TO CHANGE TIRED FORMAT

On Sept. 30, President George W. Bush and U.S. Sen. John Kerry of Massachusetts will surely get a warm welcome at the first 2004 presidential debate, which will be held at the University of Miami.

That welcome likely won't be extended to other presidential candidates who want to take part, not only in Miami, but also at debates in St. Louis on Oct. 8 and in Tempe, Ariz., on Oct. 13.

Meanwhile, voters who tune in could see a tired rehash of sound bites and campaign attacks because the debate format agreed on behind closed doors precludes a lively, challenging exchange of ideas.

The Commission on Presidential Debates has been the exclusive organizer of the forums since 1988. Exclusivity is certainly one trait of the commission. Mystery is another. The commission hasn't always met its stated objective "to ensure that debates, as a permanent part of every general election, provide the best possible information to viewers and listeners."

Critics suggest the commission, a nonpartisan organization, actually gives the two major political parties free rein in deciding debate formats, moderators and even subjects. The decisions are made away from public view. And the criterion that debate participants have a level of support at 15 percent or higher would currently exclude all but Republican Bush and Democrat Kerry.

Only once has a third-party candidate taken part in the debates. In 1992, independent candidate H. Ross Perot joined President George H.W. Bush, a Republican, and Arkansas Gov. Bill Clinton, a Democrat, for three debates. The debate formats included a memorable town hall meeting in which audience members asked questions. The 1992 campaign engaged and energized voters in a way that hasn't been seen since.

Various public-interest groups seek to change and re-energize the debates. One is the newly formed Citizens' Debate Commission, whose members include former presidential candidates John Anderson and Alan Keyes. Their debate proposal includes one forum in which the candidates query each other and another in which young people ask the questions.

Such changes are needed, given the divided electorate and the continued disinterest of college students and young professionals in the political process. The Commission on Presidential Debates and the major parties must open up the decision-making process and expand the list of candidates who participate. The debates are a public forum for voters, not a private club.

from the April 08, 2004 edition

Editorial

Only Bush-Kerry in TV Debates?

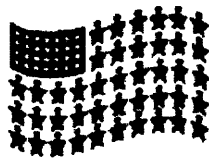
Presidential debates have become a pivotal event in elections. That's why, for the 2000 debates, the Bush and Gore camps argued for so long over how to conduct them. What they didn't argue about was the fact that only the two candidates would be allowed to participate.

The two major political parties control the highly bipartisan Commission on Presidential Debates, and set the rules that place an unreasonably high popularity threshold for allowing third-party candidates in. For voters, however, third-party candidates often have alternative views that need to be aired.

Just imagine if such an exclusionary approach prevailed in party primaries, such as the recent Democratic ones, in which minor candidates are prevented from providing refreshing views and needed honesty.

One challenge to the CPD's cartel-like practice is coming from a new group called the Citizens' Debate Commission. Formed in January, this group consists of 17 nationally recognized civic leaders from all points on the political compass who want changes in presidential debates. A key proposal is that any candidate be included who is able to generate enough voter interest to get public campaign financing. Since Ralph Nader only needs to get 5 percent of the vote in order to get such funding, then why should the CPD maintain its current cutoff point of 15 percent popularity in the polls?

Over the years, opinion surveys have shown that the public favors more inclusiveness in the debates. The GOP and Democrats need to listen to that popular call and remove their stranglehold on the debates.



The Citizens' Debate Commission

Civic Groups on the Advisory Board of the Citizens' Debate Commission

20/20 Vision

Accuracy In Media

Alliance for Better Campaigns

The American Cause

Appleseed Electoral Reform Project

Ballot Access News

Brennan Center for Justice at NYU School of Law

Center for Food Safety

Center for Reclaiming America

Center for Rural Strategies

Center for Study of Responsive Law

Center for Voting and Democracy

Citizens for Participation in Political Action

Citizen Works

Common Cause

Commonwealth Coalition

Conservative Caucus

Declaration Foundation

Democracy Matters

Democracy South

Democracy Unplugged

Demos

Earth Island Institute

Ella Baker Center for Human Rights

Fairness and Accuracy In Reporting

Fannie Lou Hamer Project

Federation for American Immigration Reform

Free Congress Foundation

Free Press

Friends of the Earth

Fund for Constitutional Government

Global Exchange

GRACE Public Fund

Grassroots Unity

Greenpeace

Independent Progressive Politics Network

Infact

Institute for Agriculture and Trade Policy

Judicial Watch

League of Rural Voters

MassVOTE

Midwest Democracy Center

National Coalition Against Legalized Gambling

National Coalition for the Homeless

National Priorities Project

National Voting Rights Institute

The National Youth & Student Peace Coalition

National Youth Advocacy Coalition

Native Forest Council

New Road Map Foundation

Ohio Citizen Action

Public Campaign

Rainforest Action Network

Reclaim Democracy

RenewAmerica

Santa Monica Ranked Voting

Student Environmental Action Coalition

Texans for Public Justice

Tikkun

US English

The Voting Rights Project of the Institute for Southern Studies

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PLAN OF THE CITIZENS' DEBATE COMMISSION:

To ensure democratic and robust debate, the Citizens' Debate Commission will employ the following basic schedule, candidate selection criteria and general format requirements in future presidential debates:

Schedule

The Citizens' Debate Commission plans to sponsor five 90-minute presidential debates and one 90-minute vice-presidential debate. Six colleges and universities have been selected for sites for five presidential debates and one vice-presidential debate proposed by the Citizens' Debate Commission:

- Capital University, in Columbus, OH on Wednesday, September 22nd.
- Swarthmore College, in Swarthmore, PA on Tuesday, September 28th.
- Canisius College, in Buffalo, NY on Sunday, October 3rd.
- Willamette University, in Salem, OR on Thursday, October 7th -- Vice-Presidential Debate.
- Carleton College, in Northfield, MN on Monday, October 11th.
- Nova Southeastern University, in Friday, Fort Lauderdale, FL on October 15th.

Criteria

The Citizens' Debate Commission will employ criteria developed by the Appleseed Citizens' Task Force on Fair Debates, a project of the Appleseed Electoral Reform Project at American University Washington College of Law. The Appleseed Task Force on Fair Debates consists of numerous civic leaders, professors and elected officials, including: John C. Brittain, Dean of the Thurgood Marshall School of Law; John Bonifaz, Executive Director of the National Voting Rights Institute; Steve Cobble, former Political Director of the National Rainbow Coalition; Edward Still, Director of the Voting Rights Project of the Lawyers' Committee for Civil Rights Under Law; and Rob Ritchie, Executive Director of The Center for Voting and Democracy.

The Appleseed Task Force criteria invite all candidates on enough state ballots to win an electoral college majority who either 1) register at five percent in national polls or 2) register a majority in national polls asking eligible voters which candidates they would like to see included in the presidential debates.

The Appleseed criteria ensure that popular third party challengers are allowed to participate without drowning out the voices of the two leading contenders for the presidency. In 1984 and 1988, only the major party candidates fulfilled the Appleseed criteria; in 1996 and 1992, only Ross Perot and the major party candidates managed to meet the Appleseed threshold; and in 2000, only Ralph Nader, Pat Buchanan and the major party candidates satisfied the criteria.

The two prongs of the Appleseed criteria that trigger inclusion - five percent and majority support - are rooted in democratic principles and federal law. The five percent threshold matches the public financing threshold for minor parties, which is the only legislative standard for measuring the viability of non-major parties. Elected officials codified five percent in the Federal Election Campaign Act, and taxpayers finance candidates whose parties attract five percent of the popular vote. The second prong of the Appleseed criteria - support for inclusion from a majority of eligible voters - is inherently democratic.

Format

The Citizens' Debate Commission advocates the following format stipulations for future presidential debates:

1. Follow-up questions must be permitted in every debate.
2. At least one debate must include candidate-to-candidate questioning.
3. At least two debates must include rebuttals and surrebuttals.
4. Response times must not be overly restrictive.
5. Candidates may only exercise a limited number of vetoes concerning the selection of moderators and panelists.

The Citizens' Debate Commission also proposes the following four basic formats for future presidential debates:

1. *Two single moderator debates:* The single moderator format focuses attention on the candidates, rather than on the questioners. At least one of the single moderator debates would include direct candidate-to-candidate questioning, loose time restrictions and minimal interference from the moderator.
2. *Authentic town-hall debate:* An authentic town-hall debate would be organized that prohibits the screening of questions and includes a representative sampling of Americans in the audience.
3. *Youth debate:* The first-ever youth-run and youth-oriented presidential debate would be established. Young people are increasingly dismayed by and detached from electoral politics. A youth debate could inspire millions of young adults to tune into the presidential debates, raise atypical subject matters for national discourse, and prevent the candidates from anticipating many debate questions.
4. *Panel debate:* Historically, panel debates have allowed educated reporters to question the candidates' policy plans and backgrounds. But rather than the panel consisting exclusively of reporters, the Citizens' Debate Commission would assemble a diverse panel of academic, civic, artistic, religious, media, labor and business leaders to ask questions.

BACKGROUND:

On January 12, 2004, seventeen national civic leaders from the left, center and right of the political spectrum formed the Citizens' Debate Commission (www.citizensdebate.org) to sponsor future general election presidential debates that maximize voter education. The nonpartisan Citizens' Debate Commission was established to replace the bipartisan Commission on Presidential Debates (CPD), which has failed to adequately serve voters' interests.

The CPD must be replaced because it secretly awards control of the presidential debates to the Republican and Democratic nominees, at the expense of voter education. Such deceptive candidate control of the presidential debates has produced stilted debate formats, silence on critical issues of bipartisan agreement, and limited voter choice.

The co-chairmen of the CPD – Frank J. Fahrenkopf and Paul G. Kirk – are the former heads of the Republican National Committee and the Democratic National Committee respectively. The rest of the CPD is dominated by loyal Republicans and Democrats.

In fact, the CPD was created by the major parties as an extension of the major parties. From 1976 until 1984, the League of Women Voters served as a genuinely nonpartisan presidential debate sponsor, ensuring the inclusion popular independent candidates, such as John B. Anderson, and prohibiting the major party campaigns from manipulating debate formats.

The major parties, however, did not want a sponsor that limited their candidates' control. Consequently, in 1986, the Democratic National Committee and the Republican National Committee ratified an agreement between Fahrenkopf and Kirk "for the parties to take over presidential debates." In 1987, Fahrenkopf and Kirk incorporated the CPD, and for the next 18 months, they served as co-chairmen of their parties and co-chairmen of the CPD simultaneously.

The CPD deliberately capitulates to the demands of the Republican and Democratic nominees. Every four years, to comply with federal regulations, the CPD proposes debate formats and publishes candidate selection criteria. Questions concerning third-party participation and debate formats, however, are ultimately resolved behind closed doors, between negotiators for the Republican and Democratic candidates. These negotiators draft secret debate contracts called Memoranda of Understanding that dictate precisely how the debates will be run – from decreeing who can participate, to selecting tame moderators, to stipulating the height of the podiums. Posing as an independent sponsor, the CPD obediently implements the directives of the Memoranda of Understanding, shielding the major party candidates from public criticism and lawsuits.

In 1996, for example, Bob Dole and Bill Clinton hatched a deal to keep Ross Perot out of the presidential debates. Dole awarded Clinton the right to dictate the schedule and format of the debates as long as Clinton agreed to exclude Perot entirely. George Stephanopolous, senior advisor to President Clinton, explained, "[The Dole campaign] didn't have leverage going into negotiations. They were behind. They needed to make sure Perot wasn't in. As long as we would agree to Perot not being in it, we could get everything else we wanted going in. We got our time frame, we got our length, we got our moderator."

Unfortunately, to protect his lead in the polls, Clinton desired the smallest possible audience for the presidential debates. He cancelled one debate and scheduled the remaining two debates opposite the baseball playoffs, producing the smallest debate audience in history. There was a calculated plan to bore the public into electoral apathy, and since fewer than half of all eligible voters turned out in 1996, the Clinton strategy was a rousing success.

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The CPD allows the two major party campaigns to exercise even greater control over the selection of format. The Republican and Democratic nominees handpick compliant panelists and moderators, prohibit candidate-to-candidate questioning, require the screening of town-hall questions, strictly limit response times, and ban follow-up questions. The major party candidates even prohibit themselves from talking to each other. The result is a series of glorified bipartisan news conferences, in which the candidates merely recite prepackaged sound-bites to fit 90-second response slots and avoid discussing many pressing national issues. "It's too much show business and too much prompting, too much artificiality, and not really debates," said former President George H. W. Bush.

Accordingly, CPD sponsorship has led to the deterioration of presidential debate discourse. The rate of agreement between the candidates during the debates has skyrocketed from 11.50 percent in 1988 to 37.30 percent in 2000, and the number of issues "debated" has markedly declined. Almost 20 percent of the 2000 presidential debates were devoted to prescription drugs under Medicare and social security – topics that resonate primarily with seniors.

To make matters worse, the CPD's disappointing "debates" are primarily funded through tax-deductible corporate contributions. Debate sites have become corporate carnivals, where sponsoring companies market their products to journalists and politicians. This is not surprising; Fahrenkopf is the nation's leading gambling industry lobbyist, and Kirk has lobbied for pharmaceutical companies.

Ultimately, the counterfeit debates hosted by the bipartisan CPD and paid for by corporations fail to address issues the American people want addressed, fail to include the candidates the American people want included, and fail to produce (or permit) actual debate between the participating candidates. Walter Cronkite called the presidential debates an "unconscionable fraud" and accused the candidates of "sabotaging the electoral process."

Americans are getting tired of these stage-managed pseudo-debates, and they are turning off their television sets. Twenty-five million *fewer* people watched the 2000 presidential debates than watched the 1992 presidential debates, and less than 30 percent of American households tuned in to the presidential debates in 2000, compared to 60 percent in 1980.

The Republican and Democratic candidates do not suffer political consequences for ruining the public's most valued voter education tool because the CPD deceptively shields them from public criticism. Assuming full responsibility for the presidential debates, the CPD masquerades as a nonpartisan democracy-maximizing organization and claims to be entirely free of candidate control. Voters and the media blame the CPD – not the major party candidates – for the debates' defects. If the major party candidates held their own stilted and exclusionary debates, at least they would be held accountable for them.

Aspiring to reverse the decline in debate viewership and to restore transparency to the presidential debate process, seventeen national civic leaders from the left, center and right of political spectrum recently formed the Citizens' Debate Commission. Bolstered by an advisory board comprised of over fifty civic groups, the Citizens' Debate Commission aims to sponsor presidential debates that serve the American people, not political parties, first. The Citizens' Debate Commission will employ engaging and innovative formats, set fair candidate selection criteria, and address a variety of pressing national issues.

Real presidential debates sponsored by the Citizens' Debate Commission would energize voters, broaden the subject matters of political discourse and give a more accurate portrayal of the candidates for the most important job in the world.